

### REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-18 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and Remarks as set forth hereinbelow.

### CLAIM FOR PRIORITY

It is gratefully acknowledged that the Examiner has recognized the Applicant's claim for foreign priority. In view of the fact that the Applicant's claim for foreign priority has been perfected, no additional action is required from the Applicants at this time.

### DRAWINGS

The Examiner has objected to the drawings for not illustrating numeral 133. As the Examiner will note, Fig. 12 has been amended to include numeral 133. A replacement sheet is being submitted to correct the drawings. The drawings now comply with the requirements of t

### ACKNOWLEDGEMENT OF INFORMATION DISCLOSURE STATEMENT

The Examiner has acknowledged the Information Disclosure Statement filed on July 6 and October 6, 2004. An initialed copy of the PTO-1449 has been received from the Examiner. No further action is necessary at this time.

### OBJECTION TO THE CLAIMS

Claims 5, 12, 13 and 17 stand objected to based on a few informalities. This objection is respectfully traversed.

As the Examiner will note, claim 5 has been amended to change "portions" to -- segments --. In addition, claim 12 has been amended to depend from claim 1 and is directed to a cylinder lock. Claim 13 has been amended to depend from claim 1 and is directed to a key blank. Claim 17 has been amended to depend from claim 13 and is directed to a key blank for producing a key blade. In view of the amendments to the claims, it is respectfully submitted that the Examiner's objections have been obviated.

### REJECTION UNDER 35 USC 102

Claims 1-3, 5-8, 10-14, 16 and 17 stand rejected under 35 USC 102 as being anticipated by Olson, US. 2,155,734. This rejection is respectfully traversed.

At the outset, claim 1 has been amended to include a combination of elements wherein the adjacent tumbler body segments (113, 114) in the pair are not connected to each other and are elevationally movable independently of each other in said cavity

so as to be individually displaced into respective elevational positions. In addition, the associated contact portions (115, 116) in the pair are axially separated in the longitudinal direction of the key plug such that these contact portions are located at a longitudinal distance from each other and will be positioned at elevationally specific and generally different levels when being engaged by said coded surface (203) upon insertion of said key blade (200) into said key slot (100). Thus, the tumbler body segments (113, 114) in each pair are displaceable into a number of different positions relative to each other representing different codes.

It is respectfully submitted that claims 1-3, 5-8, 10-14, 16 and 17 are not anticipated by the prior art cited by the Examiner. As set forth in Section 2131 of the MPEP Original Eight Edition, August 2001 Latest Revision February, 2003, page 2100-70:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. V. Union Oil Co. Of California*, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).... “The identical invention must be shown in as complete detail as is contained in the ... claims.” *Richardson v. Suzuki Motor Co.*, 868 F2d 1226, 1236, 9 USQP2d 1913, 1920 (Fed. Cir. 1989).

The Olson ‘734 patent is directed to a lock tumbler wherein the key does have a longitudinal groove 25 with two opposite walls being comparable to Applicant’s longitudinally extending coded surface. In addition, Olson ‘734 discloses cavities in the key plug wherein each cavity accommodates a pair of adjacent tumbler segments. However, it is respectfully pointed out that in the Olson ‘734 patent the body

segments include a plate 18 with a longitudinal recess or aperture 20 and a plate 19 with a longitudinal recess or aperture 20. In the Olson '734 patent, the spring 21 is disposed within the recess 20 to connect the plates 18, 19 to each other by use of the spring 21 for pressing the plates 18, 19 outwardly from the plug in opposite directions for locking engagement in the grooves 9 to prevent the rotation of the plug. See, page 2, column 1, lines 1-10 of the Olson '734 patent. Therefore, the plates 18, 19 are moveable only to a certain extent. When the spring 21 is totally compressed, the plates 18, 19 can not move any further in the same direction. For example, from the position as shown in Fig. 5 of the Olson '734 patent, the plates 18, 19 can move only to a position where the upper and lower ends are flush, but no longer, because the spring 21 will resist further movement.

Further, in the Olson '734 patent the lugs 23 extend into the key-way of the plug to form contact points which are located very close to each other in the axial direction as illustrated in Fig. 6. Note that in Fig. 6 of the Olson '734 patent the relative position of the plates 18, 19 are exactly the same.

Also, in the Olson '734 patent it is stated on page 2, column 1, lines 42-45 that there are basically three plate patterns and that these three patterns can be combined and reversed for making up various combinations. The lugs can be placed:

in the middle;

offset toward one end of the plate a short distance; or

offset a greater distance.

However, the Olson '734 patent does not indicate that the two plates 18, 19 can be displaced relative to each other so as to increase the number of code combinations.

In contradistinction to the subject matter set forth in the Olson '734 patent, the present invention is directed to a combination of elements wherein the body segments 113, 114 are not connected to each other and are elevationally movable independently of each other. In addition, the contact portions 115, 116 are axially separated in the longitudinal direction of the key plug such that these contact portions are located at a longitudinal distance from each other and will be positioned at elevationally specific and generally different levels when being engaged by said coded surface (203) upon insertion of said key blade (200) into said key slot (100). Thus, the tumbler body segments (113, 114) in each pair are displaceable into a number of different positions relative to each other representing different codes.

It is respectfully submitted that the prior art cited by the Examiner does not set forth each and every element as defined in the claims. Thus, the Examiner's rejection based on 35 USC 102 has been obviated.

Claims 13, 14 and 16-18 stand rejected under 35 USC 102 as being anticipated by Widen, US 5,809,816. This rejection is respectfully traversed.

As indicated above, claim 1 clearly defines patentable subject matter over the disclosure as set forth in the Olson '734 patent. Claims 13, 14 and 16-18 depend either directly or indirectly from claim 1. Since the Widen '816 patent is merely relied

upon for a teaching of a key blade and a key blank, it is respectfully submitted that the claims of the present application are not anticipated by the Widen '816 patent.

### REJECTION UNDER 35 USC 103

Claim 15 stands rejected under 35 USC 103 as being unpatentable over Olson '734 in view of Widen '816 and Prunbauer, US 6,758,074. This rejection is respectfully traversed.

As indicated above, claim 1 clearly defines patentable subject matter over the disclosure as set forth in the Olson '734 patent. Claims 13, 14 and 16-18 clearly define patentable subject matter over the the Widen '816 patent. The Prunbauer patent was merely relied upon for a teaching of a symmetrical key. It is respectfully submitted that the claim 15 of the present application is not rendered obvious in view of the disclosure as set forth in the Prunbauer patent.

### SUMMARY OF INTERVIEW

On December 13, 2005 Applicant together with his Swedish attorney, Mr. Jan Modin, his Swiss attorney, Mr. Celli and the undersigned conducted an interview with the Examiner. During the interview, the amendments to the claims as set forth above were discussed with the Examiner. In addition, a computer animated display of the present invention was shown to the Examiner. Mr. Gall indicated that he would consider the rest of the prior art and would conduct a further search if necessary.

#### DECLARATION UNDER 37 CFR 1.132

Attached hereto is a Declaration under 37 CFR 1.132 which is signed by the Applicant. The prior patents of Mr. Widen are licensed and are used in connection with a lock having five (5) tumblers with six (6) possible codes per tumbler, the normal number of possible codes is  $6^5$  or 7,776 different combinations. Based on the present invention when used with a lock having five (5) cavities with a pair of adjacent tumbler body segments that are not connected to each other and are elevationally movable independently of each other in the cavity in theory produces 10 different positions for each cavity or  $5^{10}$  different combinations and in practice produces over 500,000 different combinations which represents an unexpected result due to the present invention.

#### NO PROSECUTION HISTORY ESTOPPEL

Claims 1, 5, 12, 13 and 17 have been amended to clarify the claim language. No prosecution history estoppel would apply to the interpretation of the limitations set forth in claim 1 and the claims that depend therefrom in view of the fact that this subject matter has been continuously presented since the original filing date of the present application.

### REQUEST FOR INTERVIEW

If the Examiner has any questions with regard to this application, he is respectfully requested to contact the undersigned at (703) 205-8000 so that an interview can be arranged in connection with this application.

### CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination.

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

In view of the above amendments and remarks, reconsideration of the rejections and allowance of all of the claims are respectfully requested.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

A prompt and favorable consideration of this Amendment is respectfully requested.

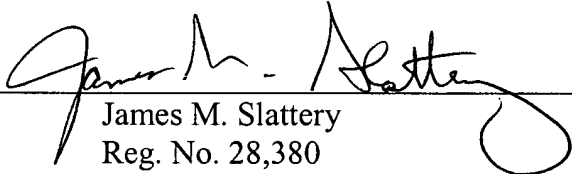


Pursuant to the provisions of 37 CFR 1.17 and 1.136(a), Applicant respectfully petitions for a three (3) month extension of time for filing a response in connection with the present application. The required fee of \$1,020.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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## AMENDMENTS TO THE DRAWINGS

Attached hereto at page 21 is a replacement sheet wherein Fig. 12 has been amended to include numeral 133.